

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARACK OBAMA, et al.,
Defendants.

No. C 09-4356 RMW (PR)
ORDER OF DISMISSAL

On September 17, 2009, plaintiff, a state prisoner proceeding pro se, filed a “Motion for release due to illegal and unconstitutional detention.” That same day, the clerk of the court sent plaintiff instructions to file a proper complaint or petition and the filing fee or a completed application for in forma pauperis status within thirty days. On September 23, 2009, mail sent to plaintiff by the court was returned to the clerk of the court with a notation that it was undeliverable because plaintiff was no longer in custody. As of the date of this order, plaintiff has not updated his address with the court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and

(2) the court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b). More than sixty days have passed since the mail sent to plaintiff by the court was returned as undeliverable. The court has not received any notice from plaintiff updating his address. Accordingly, the instant complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The clerk of the court shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: 12/8/09


RONALD M. WHYTE
United States District Judge